

Battle Creek Zoning Board of Appeals

Staff Report

Meeting: January 12, 2009

Agenda Item: 5. C.

To: Zoning Board of Appeals

From: Glenn Perian, Senior Planner

Subject: Petition for a sign variance (Z-3-10) to permit the re-facing of an existing

nonconforming sign at 5050 Beckley Rd.

Summary

This report addresses a petition from Sunil Patel seeking approval of a Sign Variance (Z-3-10), to reface the existing nonconforming sign at the Howard Johnson Inn located at 5050 Beckley Rd.

Background/Project Information

The subject site is located at 5050 Beckley Rd. in the general vicinity of Capital Avenue SW and Beckley Rd. The commercial property is irregularly shaped and is located within the C-6 "Major Highway Interchange Business District. Permitted signs in the C-6 district are governed by Chapter 1296.37 SIGNS IN THE C-2, C-3, C-5 AND C-6 DISTRICTS. Chapter 1296.37(a) Permitted Signs (2)(B) states: "Ground Sign. 1.2 times the premises frontage. not exceeding 100 square feet. The sign may not be higher than twenty-five feet and shall be set back at least 10 feet from any street right of way..." The existing sign to be refaced is 37'8' tall and approximately 212 square feet in size. Chapter 1296.28 CONDITIONS FOR MAINTAINING NONCONFORMING SIGNS states: "A lawfully erected sign which is made unlawful by this chapter may continue to be maintained exactly as it existed at the time the maintenance thereof became otherwise unlawful under this chapter, provided that such non conforming sign shall not: (a) Be changed to another nonconforming sign; (b) Have changes made to the copy unless the sign is an off-premises sign, bulletin board or similar type of sign designed for periodic copy changes..." Once a sign loses its nonconforming status and/or is in need of a panel replacement, it must either come into conformance with current regulations or, as an alternative, seek a dimensional variance that would allow a sign that does not meet ordinance standards. The Applicant is requesting a dimensional variance in order to maintain the nonconforming sign by changing the copy of the sign to advertise the Howard Johnson Inn. It should be noted that the sign panel has already been installed without a permit.

Legal Description

SEC 36 T2S R8W PART OF NW 1/4: BEG AT PT ON N LI OF SD SEC DIST S 89 DEG 59 MIN 41 SEC E 183 FT FROM NW COR OF SD SEC - CONTN S 89 DEG 59 MIN 41 SEC E 150 FT - S 00 DEG 05 MIN 28 E 50 FT - N 89 DEG 59 MIN 41 SEC W 82 FT - S 00 DEG 05 MIN 28 SEC W 114.77 FT - S 89 DEG 54 MIN 47 SEC E 70.20 FT - S 00 DEG 12 MIN 37 SEC W 70.99 FT - S89 DEG 56 MIN 24 SEC E 225.94 FT - S 00 DEG 05 MIN 28 SEC W 303.98 FT - N 89 DEG 58 MIN 57 SEC W 268 FT - S 00 DEG 05 MIN 28 SEC W 26 FT - N 89 DEG 58 MIN 57 SEC W 17 FT - N 00 DEG 05 MIN 28 SEC E 26 FT - N 89 DEG 58 MIN 57 SEC W 79 FT - N 00 DEG 05 MIN 28 SEC E 539.98 FT TO POB, CONT 3.13 AC, SUBJ TO HWY EASE OVER NLY 33 FT THEREOF, SUBJ TO EASE FOR

PANHANDLE EASTERN PIPELINE, ALSO SUBJ TO & TOGETHER WITH MUTUAL EASES FOR PARKING, INGRESS, EGRESS & UTILITY ((IN 1983 THRU 2008, ASSESSED AS #0086-00-910-1))

Public Hearing and Notice Requirements

An advertisement of this public hearing was published in the Battle Creek SHOPPER NEWS on Wednesday, December 23, 2009 – not less than the 15 days before the hearing as required by State Law and ordinance.

Notices of the public hearing were also sent by regular mail on December 21, 2009 to 29 properties located within 300 feet of the subject parcel.



Aerial Photograph of the Subject Site

Surrounding Land Uses

The subject property is located on Beckley Rd. commercial corridor.

<u>Applicable Zoning Ordinance Provisions</u>

Chapter 1296.30 states; The concurring vote of four members of the Zoning Board of Appeals shall be necessary to reverse, wholly or partly, or modify, any order, requirement, decision or determination of the Administrator, to decide in favor of the applicant upon a matter on which it is required to pass or effect any variance.

Analysis

The Appellant is requesting a sign variance that would authorize the copy of a nonconforming sign to be altered. The Appellant specifically states that the main reason for the variance request is an economic hardship. The Appellant has supplied reasons supporting the request for appeal and they are included with the application and part of this report. We have provided the sign permit application that was denied with the height and area of the sign.

Is there something unique about this lot or property that makes relief necessary? The parcel has approximately 150' of frontage along Beckley Road and meets the area requirements for the C-6 zone.

The Appellant's stated "hardship" and "practical difficulty" is included in this report. Members of the Zoning Board of Appeals know that we will always try to help identify specific elements of a "hardship" or "practical difficulty" where we feel that relief is warranted. These grounds may exist here, but we cannot specifically cite any reasons in particular that make this particular property unusual or unique.



Sign at 5050 Beckley with Howard Johnson Panel already installed



FINDINGS

In consideration of all variations from the Zoning/Sign Code, the Board shall, before making any such exceptions or variations, in a specific case, first determine that all the conditions listed below are satisfied. Planning staff has reviewed these conditions and we do not believe that each condition can be justified in an affirmative manner. We have provided a rationale for each condition set forth below for Sign Variances:

- 1) Staff does not think that the Appellant has clearly demonstrated that hardship or practical difficulty will in fact exist if the variance is not granted in that the Appellant has stated nothing more than the sign is well maintained, visible from I-94, and the sign generates business.
- 2) The mere fact that other, larger signs constructed under prior sign ordinances do exist in the area shall not be reason to declare hardship or practical difficulty. While the Appellant does not make this claim exactly, they do state the sign has been in the present location for approximately 28 years.
- 3) In no case shall a variance be granted if it is determined by the Zoning Board of Appeals that the applicant has created the hardship or practical difficulty.
- 4) Before a variance is granted, it must be shown that the alleged hardship or practical difficulty, or both, is exceptional and peculiar to the property of the person requesting the variance, and that it results from conditions that do not exist generally throughout the City. Staff does not find anything exceptional or peculiar to this particular property other than the nonconforming sign.
- 5) The applicant has not furnished a site drawing, photographs and or any other means of proof to the Board so as to indicate that hardship or practical difficulty does, in fact, exist.
- 6) Staff believes the applicant is relying on the fact that the sign has already been purchased and has been altered in the past to justify the granting of this variance request. The Appellant has also provided a letter stating that the application for the variance "is due to economic hardship". However, the term hardship shall not be deemed financial hardship relating to the cost of the sign, to the fact that the sign has already been constructed or to the fact that the sign is only available in standard sizes and/or materials.
- 7) Staff does not believe the alleged hardship or practical difficulty which will result in a failure to grant the variance is substantially more than a mere inconvenience in this case. We think that other options are available.
- 8) Staff does not think allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by the Zoning Code, the individual hardships that will be suffered by a failure of the Board to grant a variance and especially the rights of others whose property would be affected by the allowance of the variance.
- 9) The findings of fact set forth in this section shall be made by the Board, which is not authorized to grant a variance without finding of fact in each of the categories set forth in this section. Every finding of fact of the Board shall be supported in the record of proceedings of the Board.

10) Nothing contained in this section shall be construed to authorize the Board to change the terms of this chapter or to add to the types of signs permitted on any premises.

Recommendation

The Zoning Board of Appeals can approve, approve with conditions, or deny this request. The Zoning Board of Appeals can also table or postpone the request pending additional information. Planning staff recommends that the Zoning Board of Appeals deny the Sign Variance (Z-3-10) based on the above listed findings contained in this staff report.

Attachments

The following information is attached and made part of this Staff Report.

- 1. ZBA Petition Form (Petition #Z-11-09)
- 2. Letter addressed to the Zoning Board of Appeals from Mr. Sunil Patel
- 3. Document titled "Sign Variance Standards" distributed by City Attorney's Office
- 4. General Assessing property information
- 5. Sign Permit Application and denial letter for the proposed sign

Appeal No. 2-03-/0 Date: 12-17-09. APPLICATION FOR A VARIANCE ZONING BOARD OF APPEALS Michi City of Battle Creek, An Appeal to the Zoning Board of Appeals to authorize a variance from the requirements of the Planning CITY OF BATTLE CREEK PLANNING DEPARTMENT and Zoning Code (Part Twelve) of the City of Battle Creek. Name of Appellant: SULC HOSPITALITY Tree. Address: 5050 BECIGLEY DD. Phone: 269-979-1100 Name of Owner (if different from Appellant): SUM PATER. Address: 50 50 BELICLEY 120 Phone: 517-610-1667. TO THE ZONING BOARD OF APPEALS: Request is hereby made for permission to: Extend Erect (Waive) Use Convert Enclose (Choose One) THE HOLOHFIRMHE SIGH. CONTINUED
TO ALLOWAUSE OF LEGAL NON-CONFORMING contrary to the requirements of Section(s) 1296.27 of the Planning and Zoning Code, upon the premises known as 5050 BEHGLEY 20. Battle Creek, MI, in accordance with the plans and/or plat record attached. The proposed building or use requires Board action in the following area(s):

Property/Tax I.D.# No. <u>0096 - 00 - 910 - 1</u>

Size of the Lot: Width <u>375'</u> Depth <u>539'</u>

Size of Proposed Building: Width _____ Depth _____ Height _____

The following reasons are presented in support of this appeal (complete each section):

a) This property cannot be used in conformance with the ordinance without the requested variance because:

(HE EXISTIFICE SIGH IS WELL PARTED AND)

VISIBLE FIZAM I-94 - A MAJOR SOULCE OF BUSINESS.

b) This problem is due to a unique situation not shared in common with nearby property owners because:
THE SIGH IS A EXISTING SIGH WHICH DIRECTS
THE CUSTOMEN FORM I-TY FREEWAY. MAJOR SOURCE
c) Granting the variance would not alter the essential character of the area because:
NAKIH I-1 IS AM SYISTING WELL
MAINTAINED SIGH AND THEILE ARE FELD OF
THESE SIGHS CONSIDERING THE PROXIMITY OF FATELOA
d) The problem is not self-created because:
THIS SIGH WAS EIRECTED IN 1982. WE HAVE HOT HAY
ALTERED THE STRUCTURE 012 DIMENSIONS OF SIGH.
e) <u>USE VARIANCES ONLY</u> It is not possible to use this particular property for any other use currently allowed in the zoning district because:
BECAUSE OF LOCATION OF THE MIDPERTY. THE BEST
ING IS FOIL HOTEL.
I hereby affirm that, to the best of my knowledge, all the above and accompanying statements and drawings are correct and true. <u>In addition, I give permission to the City of Battle Creek's Planning Department staff to access my property, if necessary, to take photographs of the subject of this appeal.</u>
(Print Appellant Name)
(Signature of Appellant)
SOSE BECKLET RO. BATTLE CIZECIL MI 491015 (Address of Appellant)

If you require additional information or assistance in filling out this application, please contact the Planning Department at (269) 966-3320.

Sun Hospitality Inc. 5050 Berkley Rd. Battle Creek, MI 49015

Zoning Board of Appeals City of Battle Creek Planning & Community Development Dept. 77 East Michigan Ave. Battle Creek, Mi 49017

Re: Sign on property 0086-00-910-1

Dear Board Members,

It was recently brought to our attention by the Planning & Zoning Dept that there was a nonconforming sign on our property. We would like to apply for variance for the sign due to economic hardship. The new sign will be a substantial expense for the business which is struggling in this economy. We would also lose visibility from Interstate I-94, which is a major source of business. Installing a new sign would affect underground utilities which would add additional financial hardship. Profitability has decreased due to the economy and this requirement would only continue to add a strain to our daily operations.

A permit was issued on two separate occasions in 2004 and 2006 for a name change on the property. The current sign is in excellent condition and size, structure, or height has never been altered. In October 2009 the sign company mailed a copy of the permit application after the completion of the sign faces. Mr. Frank Ballard was also contacted via telephone by Fritz Advertising prior to installation. He stated that a second permit application was needed along with payment in the amount of \$115.00.

On November 20, 2009 a check was mailed to the city of Battle Creek along with the permit application. The check cleared our banking intuition on November 24, 2009. The new sign faces were then installed and a third copy of the permit application was faxed to Mr. Glenn Perian via Fritz Advertising. According to Fritz advertising this is the way in which they would typically handle changing the face of a sign and was nothing short than their normal business practice.

We hope that the Board would give due consideration in this matter and spare us from additional financial hardship.

Thank you for you consideration.

In

Sunil Patel
Owner, Partner

Sign Variance Standards §1296.31

- 1. If Petitioner has clearly demonstrated that hardship or practical difficulty will in fact exist if such variance is not granted, then the standard has been met thus far and board member should continue to analyze below provisions. If not, then no variance should be granted. The below provisions will help you determine whether there is a legally recognizable "hardship" or "practical difficulty." (§1296.31(a))
- 2. Is appellant merely stating that other, larger signs constructed under prior sign ordinances do exist in the area? If so, then this shall not be sufficient reason to declare hardship or practical difficulty and the variance request should be denied. If appellant has another basis, then continue to consider below provisions. (§1296.31(b))
- 3. Did the applicant create the hardship or practical difficulty? If yes, then the variance must be denied. If no, then go on to consider below provisions. (§1296.31(c))
- 4. Is the alleged hardship or practical difficulty, or both, exceptional and peculiar to the property of the person requesting the variance, and that it results from conditions that do not exist generally throughout the City? If yes, then conditions have been met thus far, and continue to analyze remaining items below. If no, then the variance should be denied. (§1296.31(d))
- 5. Has the applicant furnished a site drawing, photographs and other means of proof to indicate that a hardship or practical difficulty does, in fact, exist? If yes, then continue to analyze below provisions. (§1296.31(e))
- 6. A. Is the applicant merely presenting issues relating to financial hardship relating to the cost of the sign? If yes, then the standards have not been met and the variance should be denied. (§1296.31(f))
 - B. Is the applicant merely claiming that the sign has already been constructed or that the sign is only available in standard sizes and/or material (e.g. franchise business signs). If yes, then the standards have not been met and the variance should be denied. (§1296.31(f))
 - C. If the applicant is not claiming A or B, then continue to analyze below provisions.
- 7. Does the alleged hardship and practical difficulty, or both, which will result from a failure to grant the variance, include substantially more than a mere inconvenience or a mere inability to attain higher financial return? If yes, then continue to analyze the below provisions. If the alleged hardship and practical difficult standards are based upon conveniences or the inability to attain higher financial returns, then the standards have not been met and the variance should be denied. (§1296.31(g))

- 8. If the Board grants this variance, will it result in *substantial justice* being done, considering:
 - a. the public benefits intended to be secured by this chapter;
 - b. the individual hardships that will be suffered by a failure of the Board to grant a variance;
 - c. and especially the rights of others whose property would be affected by the allowance of the variance. (§1296.31(h))

^{**}Please note, the concurring vote of **four members** of the Zoning Board of Appeals shall be necessary to reverse, wholly or partly, or modify, any order, requirement, decision or determination of the Administrator, to decide in favor of the applicant upon a matter on which is it required to pass or to effect any variance as it relates to signs. (§1296.30)

Logged in as: Anonymous User

Home

Change Unit

Create an Account

Main > Assessing > Property and Land Search > Results > Details

Add to **Favorites**

Login | Help

[collapse]

Additional Pages

General/Sales

Buildings

Images/Sketches

General Property Information

Parcel: 0086-00-910-1

View this parcel in GIS

Printer friendly version

Related Details...

Tax Information **Building Department** Sp. Assessment

🏦 Back to Main

collapse the menu

Click this button to collapse the above menu to the top of the screen.

**NOTE: There are 8 images and 0 sketches attached to the current property.

Unit:

Property Address

5050 BECKLEY RD

BATTLE CREEK, MI 49015-4116

Owner Information

SUN HOSPITALITY INC

N/A

[collapse]

52

Taxpayer Information

[collapse]

SUN HOSPITALITY INC 5050 BECKLEY RD BATTLE CREEK, MI 49015-4116

General Information for Tax Year 2009

[collapse]

Property Class:

201

Assessed Value:

\$651,102

School District:

13090 - LAKEVIEW

Taxable Value:

\$651,102

State Equalized Value:

SCHOOLS

Map #

636NW

User Number Indx:

\$651,102

Date of Last Name Chg:

12/10/2009

Date Filed:

Principal Residence

Exemption (2009 May 1):

0.0000 %

Principal Residence Exemption (2009 Final):

0.0000 %

Principal Residence

0.0000 %

Exemption (2010 May 1):

Previous Year Info	MBOR Assessed	Final S.E.V.	Final Taxable
2008	\$0	\$0	\$0
2007	\$0	\$0	\$0

Land Information

[collapse]

Acreage:

3.13

Frontage:

469.00 Ft.

Zoning Code: Land Value:

C6 \$735,844 Depth:

507.00 Ft.

N/A

Mortgage Code:

Land Improvements:

\$22,338

Lot

Renaissance Zone: **ECF Neighborhood Code:**

NO 00574 **Dimensions/Comments:**

Legal Information for 0086-00-910-1

[collapse]

SEC 36 T2S R8W PART OF NW 1/4: BEG AT PT ON N LI OF SD SEC DIST S 89 DEG 59 MIN 41 SEC E 183 FT FROM NW COR OF SD SEC - CONTN S 89 DEG 59 MIN 41 SEC E 150 FT - S 00 DEG 05 MIN 28 E 50 FT - N 89 DEG 59 MIN 41 SEC W 82 FT - S 00 DEG 05 MIN 28 SEC W 114.77 FT - S 89 DEG 54 MIN 47 SEC E 70.20 FT - S 00 DEG 12 MIN 37 SEC W 70.99 FT - S89 DEG 56 MIN 24 SEC E 225.94 FT - S 00 DEG 05 MIN 28 SEC W 303.98 FT - N 89 DEG 58 MIN 57 SEC W 268 FT - S 00 DEG 05 MIN 28 SEC W 26 FT - N 89 DEG 58 MIN 57 SEC W 17 FT - N 00 DEG 05 MIN 28 SEC E 26 FT - N 89 DEG 58 MIN 57 SEC W 79 FT - N 00 DEG 05 MIN 28 SEC E 539.98 FT TO POB, CONT 3.13 AC, SUBJ TO HWY EASE OVER NLY 33 FT THEREOF, SUBJ TO EASE FOR PANHANDLE EASTERN PIPELINE, ALSO SUBJ TO & TOGETHER WITH MUTUAL EASES FOR PARKING, INGRESS, EGRESS & UTILITY ((IN 1983 THRU 2008, ASSESSED AS #0086-00-910-1))

Sales Information

2 sale record(s) found.							
Sale Date	Sale Price	Instrument	Grantor	Grantee	Terms Of Sale	Liber/Page	
09/30/2003	\$2,200,000.00	05	DEGA L C	SUN HOSPITALITY INC	08 BANK/HUD/VA/FHA	2751/0250	
12/01/1994	\$0.00	12	INVESTORS WARRANTY OF AMERICA	DEGA L C	12 QCD/OTHER	1781/291	

Load Building Information on this Page.

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BATTLE CREEK

DEPARTMENT OF PLANNING AND ZONING

December 3, 2009

Sunil Patel 5050 Beckley Rd. Battle Creek, MI, 49015 Fritz Sign Co. 8032 Spring Arbor Rd. Spring Arbor, MI 49238

Re: 5050 Beckley Rd., Sign Permit Application Denial

Dear Sirs,

Your sign permit application to change the "flex face" to the free standing sign on property located at 5050 Beckley Road has been denied. The City of Battle Creek Planning and Zoning Code, Chapter 1296.28 CONDITIONS FOR MAINTAINING NONCONFORMING SIGNS states:

"A lawfully erected sign which is made unlawful by this chapter may continue to be maintained exactly as it existed at the time the maintenance thereof became otherwise unlawful under this chapter, provided that such non conforming sign shall not:

- (a) Be changed to another nonconforming sign;
- (b) Have changes made to the copy unless the sign is an off-premises sign, bulletin board or similar type of sign designed for periodic copy changes..."

Furthermore, Chapter 1296.37 SIGNS IN C-2, C-3, C-5, AND C-6 DISTRICTS states:

(a) "Permitted Signs...

2)B. Ground sign. 1.2 times the premises frontage, not exceeding 100 square feet. The sign may not be higher than twenty-five feet and shall be set back at least ten feet from any street right of way."...

A visual inspection of the property shows that the sign has been altered illegally without the proper permits. You must bring the sign back into compliance with the City Planning and Zoning Code by December 18, 2009. Failure to comply will result with this matter being referred to the City Attorney's Office for legal action.

If you have any questions, contact me or Christine Hilton, Planning Supervisor, during regular business hours (M-F, 8am-12pm and 1pm-5pm).

Sincerely,

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Glenn Perian Senior Planner

cc: Christine Hilton, Planning Supervisor
Jill Steele, Deputy City Attorney

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	City & State:		Zip:				
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Accepted By _

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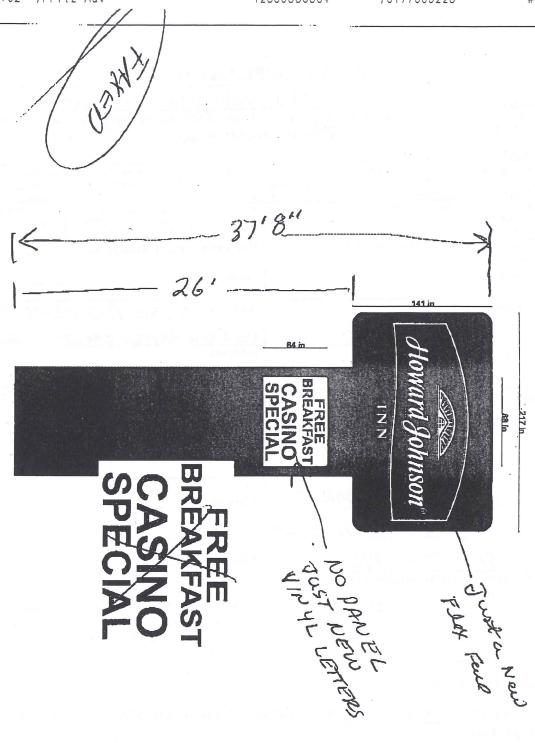
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Date

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This proof is designed to reduce your final cost. Please examine it carefully for any errors. Accepted signature means that you have proofed all copy, sizes, colors, price, etc. on the above job. Any changes, corrections or additions after job is completed will be at customers expense. This design and artwork is the property at FRTZ ADVERTISING CO. until contract agreement is met. It may not be used or reproduce in whole or in part, without the expressed written consent of FRTZ ADVERTISING CO.

Not responsible or liable for any unforseens. Thank you for your co-operation.



Salesperson: RHONDA Designer: Date: 11:5-09

Proof #: 2

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Estimate: \$994.10

Commants:

Above costs includes all labor,

V2 down, balance due upon completion. material and taxes. Please call with any questions Permits if needed, are extra

8032 Spring Arbor Rd. P.O. Box 397

Customer: Spring Arbor, M 49283 517-750-1990 Fax 517-750-9226 www.filizsigns.com lestie@litzalgns.com

Battle Creek, MI Address: 5050 Beckley Rd.

Company: Howard Johnson

Mdl M Cell Fox:

Phone:

P.O. Number: Date: 9-21-09

raminated vinyl graphics to both sides. races and apply new translucent / Sign type: to pluck existing Restaurant

Quantity: 1 double sided

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(b) Additional Limitations.

3)

Where the lot abuts any R District, the set-back distance shall be increase so that one foot of horizontal distance from the District is provided for each square foot of sign.

2) Lots with dual street frontages are allowed signage on each street frontage. However, they may not combine permissible signs for one frontage with another frontage for the purpose of placing the combined area of signs on one frontage.

Where more than one tenant or building shares a single parking area, there shall be permitted only one

free-standing sign.

Where more than 400 feet of major or secondary street frontage exists, a second free-standing sign shall be permitted with the same size and location limitations as specified in Section 1296.35(b), provided that the distance between the two signs is not less than 300 feet.

5) In addition to a free-standing sign meeting the area requirements of this chapter, a building may also erect a wall sign, the total area of which may not exceed ten percent of the area of the wall to which it

is attached. (Ord. 36-84. Passed 12-18-84; Ord. 20-89. Passed 7-25-89.)

1296.37 <u>SIGNS IN C-2, C-3, C-5 AND C-6 DISTRICTS.</u>

(a) Permitted Signs. The following on-premises signs shall be allowed in any C-2, C-3, C-5 or C-6- District:

One canopy, fascia or projecting sign per use, allowing 1.2 times the building frontage in square footage. The sign shall be located at a height not exceeding the bottom edge of any second story window and may not project more than eighteen inches from the building face. It may be used in combination with other signs as specified. Fascia signs may be allowed on any wall not facing any R District at the 1.2 size formula previously referred to. (Ord. 8-87. Passed 6-2-87; Ord. 19-89. Passed 7-25-89.)

One free-standing sign per use. The allowable area of the sign shall be calculated according to the

following:

A. Monument sign. Fifty square feet in area and not more than eight feet in height. The sign may not be located closer than ten feet from any street right of way. (Ord. 36-84. Passed 12-18-84.)

B. Ground sign. 1.2 times the premises frontage, not exceeding 100 square feet. The sign may not be higher than twenty-five feet and shall be set back at least ten feet from any street right of way. (Ord. 8-87. Passed 6-2-87.)

1) One roof sign per use, but not in combination with a freestanding sign. The area allowed is not to exceed 1.2 times the building frontage and the sign may not be higher than five feet above the roof

line. A roof sign may not project beyond the building wall.

2) Window display signs, not exceeding thirty percent of the total window area. If a building is located more than fifty feet from the street right of way, there is no limitation on the amount of window signage.

3) Real estate signs, not exceeding thirty square feet in area or eight feet in height. A real estate sign

shall be removed within thirty days of the sale, rental or lease.

4) One building center sign per street frontage. The sign must identify six or more contiguous stores located on a site with an aggregate land area of not less than two acres. A building center sign may not exceed 150 square feet in area or thirty feet in height.

5) For movie theaters, one sign not more than 150 square feet in area, and twenty-five feet in height, if the building contains three or more auditoriums, and not more than 100 square feet in area if a

building contains fewer than three auditoriums;

For properties having frontage on a limited access highway (I-94), one freestanding sign on their premises, specifically oriented to traffic on the limited access highway. The sign may not exceed 150 square feet and may be erected to a height not exceeding twenty-five feet above the grade level of the limited access highway (I-94) at its nearest point to the sign. The sign may not be less than twenty-five feet nor more than fifty feet from the highway right-of-way line and may not be less than 100 feet from any other free-standing sign.

7) Awning signs based on a formula of 1.2 times the building frontage in square footage. This shall not

be used in combination with a canopy, fascia or projecting sign.

8) Automatic changeable copy signs not exceeding twenty-five percent of the total allowed sign area for the premises. (Ord. 8-87. Passed 6-2-87; Ord. 18-05. Passed 9-6-05.)

All signs placed on a public sidewalk or within any portion of the public right-of-way must be well maintained to prevent any injury;

13) Sidewalk signs may only be displayed during the hours of operation of the business, and must be

removed from the sidewalk at the close of business each day; and

The owner of the business establishment displaying the sign shall be strictly liable for and indemnify the City for any injury or damage to person or property caused by the size, placement or maintenance of a sidewalk sign which occupies any portion of a public sidewalk or right-of-way. (Ord. 36-84. Passed 12-18-84; Ord. 18-89. Passed 7-25-89; Ord. 5-92. Passed 2-11-92; Ord. 19-97. Passed 9-16-97; Ord. 10-06. Passed 4-18-06.)

1296.19 COMPLIANCE WITH CODES.

All signs hereafter erected shall comply with all applicable provisions of the State Construction Code, including the B.O.C.A. Basic Building Code which is a part thereof, relative to the structural design, and with the City Electrical Code for applicable components and installation, and with the auxiliary specifications set forth in Section 1296.20. (Ord. 36-84. Passed 12-18-84.)

1296.20 AUXILIARY SPECIFICATIONS.

(a) Obstruction of Exits. No sign shall be erected so as to obstruct a fire escape, required exit, window or door opening intended as a means of egress.

(b) Obstruction of Ventilation. No sign shall be erected which interferes with any opening required for

ventilation.

(c) <u>Clearance from Electrical Power Lines and Communication Lines</u>. Signs shall maintain clearance from electrical conductors, in accordance with the City Electrical Code, and from communication equipment or

lines located within the City.

(d) <u>Clearance from Surface and Underground Facilities</u>. Signs and their supporting structures shall maintain clearance and noninterference with surface and underground facilities and conduits for water, sewage, gas, electricity or communication equipment or lines. Furthermore, placement shall not interfere with natural or artificial drainage or surface or underground water.

(e) <u>Drainage</u>. The roofs of canopies exceeding twenty-five square feet shall be drained so as to prevent dripping or flowage onto public sidewalks or streets and shall be connected to an approved disposal source

by adequate conductors.

(f) <u>Sign Supports.</u> Visible angle iron or other frames supporting projecting signs and roof signs, as well as chain supports, are prohibited, except structures of an artistic nature which may receive approval of the

Zoning Board of Appeals.

Automatic Changeable Copy Signs. An on-premise automatic changeable copy sign is permitted on property or parcels within office (O-1), commercial (C-1, C-2, C-3, C-4, C-5, or C-6) or industrial (I-1, I-2) zoning districts provided that in addition to any restriction on signs for the particular zoning district as set forth in this chapter that any such sign visible from a public street shall not change message or copy more often than every one second, nor be brighter than one foot candle as measured four feet from the sign. The addition of an automatic changeable copy sign to any non-conforming free standing sign is prohibited. (Ord. 36-84. Passed 12-18-84; Ord. 18-05. Passed 9-6-05.)

1296.21 MAINTENANCE AND REPAIR.

Every sign, regardless of its permit requirement, shall be maintained in a safe and presentable condition at all times, including, but not limited to, the replacement of defective parts, painting and cleaning. The Administrator shall cause all signs to be removed, in accordance with this chapter, which fail to comply with the safety standards of this chapter. (Ord. 36-84. Passed 12-18-84.)

1296.22 ABANDONED AND NONCONFORMING SIGNS.

Except as otherwise provided in this chapter, a sign which is abandoned for sixty days or more, and any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to be abandoned. Nonconforming signs larger or higher than permitted or located incorrectly on a site shall be removed once abandoned. Such abandoned or nonconforming signs are the responsibility of the owner and shall be removed by such owner. If the owner fails to comply, after receiving due notice, the Administrator may elect to cause the sign to be removed and assess the costs of removal against the owner or his or her property as a single lot assessment, in

accordance with Section 216.13 of the Administration Code. This section does not apply to an off-premises outdoor advertising sign, which shall be considered abandoned when it advertises an event, time or purpose that occurred at least six months previously. (Ord. 36-84. Passed 12-18-84.)

1296.23 DANGEROUS SIGNS.

No person shall maintain or permit to be maintained on any premises owned or controlled by such person, any sign which is dangerous. At the discretion of the Administrator, such sign shall either be immediately removed or repaired by the owner, in conformity with this chapter. (Ord. 36-84. Passed 12-18-84.)

1296.24 ERECTION OF UNLAWFUL SIGNS.

No person shall erect a sign which does not conform with the provisions of this chapter. (Ord. 36-84. Passed 12-18-84.)

1296.25 INTERFERENCE WITH PUBLIC CONSTRUCTION.

Any sign projecting over a public sidewalk, street or other right of way, regardless of its permit status, that interferes with construction or repair being performed for or by the City, or that is rendered nonconforming by such repair or construction, shall be altered to conform with this chapter or be removed at the expense of the owner. (Ord. 36-84. Passed 12-18-84.)

1296.26 MANDATORY SIGN REMOVAL.

- Emergency Conditions. Should the Administrator determine that a sign is so dangerous that it requires immediate removal, he or she shall attempt to provide the sign owner or property owner with a notice of the danger and the need for immediate abatement. Due to the emergency nature of the danger, if such notice is not possible due to the lack of knowledge as to the whereabouts of the sign owner or property owner, or should the sign or property owner not be available or refuse to immediately abate the nuisance, the Administrator shall abate such nuisance. The cost of the abatement, including a service fee of ten percent of the actual costs of such correction, shall become a lien against the property in accordance with Section 216.13 of the Administration Code.
- (b) Nuisance Abatement. Any other sign regulated by this charter that fails to comply with the provisions of this chapter, but which does not require emergency action, shall also constitute a nuisance. The owner of such sign and the real estate upon which it is located shall be given written notice of thirty days by regularly mail for the abatement thereof. If such abatement is not accomplished within the thirty-day period, the Administrator shall abate the nuisance. The cost of such abatement, including a service fee of ten percent of the actual cost of such abatement, shall become a lien against the property in accordance with Section 216.13 of the Administration Code.
- (c) Remedies Cumulative. The action of the Administrator to abate a nuisance under this section shall be in addition to the penalties described elsewhere in this Zoning Code. (Ord. 36-84. Passed 12-18-84.)
- (d) Removal by Administrator. Notwithstanding any other provision in this Zoning Code, signs which are affixed in any manner to walls, fences, trees, posts, bridges, utility poles, street signs or traffic signs, or otherwise located in the public right of way, except official signs as identified in Section 1296.17(d), may be removed by the Administrator and his or her assigns and may be destroyed without notice to the violator. (Ord. 25-87. Passed 11-24-87.)

1296.27 ABATEMENT OF NONCONFORMING SIGNS; NOTICE.

The intent of this chapter is to abate nonconforming signs, except, as otherwise specifically set forth in this chapter, as rapidly as the police power of the City permits. After the enactment of this chapter, the Administrator or his or her designated agent shall, as soon as is practical, survey the City for signs which do not conform to the requirements of this chapter. Upon determining that a sign is nonconforming, the Administrator shall use reasonable efforts to notify the owner of the sign, in writing, by regular U.S. mail. (Ord. 36-84. Passed 12-18-84.)

1296.28 CONDITIONS FOR MAINTAINING NONCONFORMING SIGNS.

A lawfully erected sign which is made unlawful by this chapter may continue to be maintained exactly as it existed at the time the maintenance thereof became otherwise unlawful under this chapter, provided that such nonconforming sign shall not:

(a) Be changed to another nonconforming sign;

(b) Have changes made to the copy unless the sign is an off-premises sign, bulletin board or similar type of sign designed for periodic copy changes;

(c) Be structurally altered to prolong the life of the sign or so as to change the shape, size, height, type or design

of the sign;

(d) Be continued after the activity, business or use to which it relates has been discontinued for a period of thirty days; or

(e) Be re-established after damage or destruction if the Administrator determines that the estimated cost of

reconstruction exceeds fifty percent of the replacement cost for the sign. (Ord. 36-84. Passed 12-18-84.)

1296.29 APPEALS TO ZONING BOARD OF APPEALS.

Appeals relating to the type, size and location of signs and the interpretation of this chapter shall be taken to the Zoning Board of Appeals, as set forth in the Zoning Code. (Ord. 36-84. Passed 12-18-84.)

1296.30 ACTION OF ZONING BOARD OF APPEALS.

The concurring vote of four members of the Zoning Board of Appeals shall be necessary to reverse, wholly or partly, or modify, any order, requirement, decision or determination of the Administrator, to decide in favor of the applicant upon a matter on which it is required to pass or to effect any variance. (Ord. 36-84. Passed 12-18-84.)

1296.31 <u>VARIANCES</u>.

(a) A variance may be granted only when it can be clearly demonstrated by the petitioner that hardship or practical difficulty will in fact exist if such variance is not granted.

(b) The mere fact that other, larger signs constructed under prior sign ordinances do exist in the area shall not be

sufficient reason to declare hardship or practical difficulty.

(c) In no case shall a variance be granted if it is determined by the Zoning Board of Appeals that the applicant

has created the hardship or practical difficulty.

(d) Before a variance is granted, it must be shown that the alleged hardship or practical difficulty, or both, is exceptional and peculiar to the property of the person requesting the variance, and that it results from conditions that do not exist generally throughout the City.

(e) The applicant for a variance shall furnish a site drawing, photographs and/or any other means of proof to the

Board so as to indicate that hardship or practical difficulty does, in fact, exist.

(f) The term hardship shall not be deemed financial hardship relating to the cost of the sign, to the fact that the sign has already been constructed or to the fact that the sign is only available in standard sizes and/or materials (e.g. franchise business signs).

(g) The alleged hardship and practical difficulty, or both, which will result from a failure to grant the variance, must include substantially more than a mere inconvenience or a mere inability to attain higher financial

return.

(h) It must be shown that allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this chapter, the individual hardships that will be suffered by a failure of the Board to grant a variance and especially the rights of others whose property would be affected by the allowance of the variance.

(i) The findings of fact set forth in this section shall be made by the Board, which is not authorized to grant a variance without finding fact in each of the categories set forth in this section. Every finding of fact shall be

supported in the record of the proceedings of the Board.

Nothing contained herein shall be construed to authorize the Board to change the terms of this chapter or to add to the types of signs permitted on any premises. (Ord. 36-84. Passed 12-18-84.)

1296.32 APPEALS TO THE BUILDING AND ELECTRICAL BOARDS OF APPEALS.

Appeals relating to the structural design, construction and electrical matters shall be taken to the Building Code Board of Appeals and the A.M.S.A. Electrical Board of Appeals, respectively, and shall be governed by the conditions and limitations of such Boards. (Ord. 36-84. Passed 12-18-84.)

1296.33 <u>SIGNS PROHIBITED BY DISTRICTS</u>.

Any sign which is not listed by structure and descriptive type in this chapter is prohibited. (Ord. 36-84. Passed 12-18-84.)

\$11500 - Pd CK# 1,7465

48sq

23

8'

6'

20'

of Per 20260 Capi	er Township nnfield tal Ave. N.E. k, MI 49017	Area Metropolitan Services Agency Please make your check payable to and send it to, the appropriate jurisdiction noted. Please mark box for appropriate jurisdiction. Newton Township 7988 G Drive South Ceresco, MI 49033 Phone: 269-979-3212								
Phone: 269 Fax: 269-96										
of Be	iks Drive <u>k, MI 49017</u> -965-9096		966-3382 Phone: 269-968-0335				City of Springfield 601 Avenue A Springfield, MI 49015 Phone: 269-9652354			
Resi Con Indu		9-14-09	· · ·		Not Valid with					
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Owner :	Name:		er e e		Address: 4333				reger in the	
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Cost of	Sign (less el	lectrical in	stallation cost): \$1,600.0	00						
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1	Free star	nding	Reface existing sig	gn	18'R	11'8"	2	200sq	29'	

Reface existing sign

SIGN PERMIT APPLICATION

same sign

Charter Township of Pennfield 20260 Capital Ave. N.E. Battle Creek, MI 49017 Phone: 269-968-8549 Fax: 269-968-2021 Area Metropolitan Services Agency Please make your check payable to and send it to, the appropriate jurisdiction noted. Area Metropolitan Services Agency 7988 G Drive South Ceresco, MI 49033 Phone: 269-979-3212						
Charter Township of Bedford 115 S. Uldriks Drive Battle Creek, MI 49016 Phone: 269-965-9096 Fax: 269-965-0908 Fax: 269-965-0908	Charter Township of Emmett 620 Cliff Street 601 Avenue A 8attle Creek, MI 49017 Phone: 269-968-0335 Fax: 269-968-3523 Phone: 269-9652354 City of Springfield 601 Avenue A Springfield, MI 49015 Phone: 269-9652354 Phone: 269-9652354 City of Springfield 601 Avenue A Springfield, MI 49015 Phone: 269-9652354 Phone: 269-9652354 City of Springfield 601 Avenue A Springfield, MI 49015 Phone: 269-9652354 Phone: 269-9652354 City of Springfield 601 Avenue A Springfield, MI 49015 Phone: 269-9652354 City of Springfield 601 Avenue A Springfield 601 Avenue A					
Date of Application: 9=14-09 ☐ Residential ☐ Commercial ☐ Industrial	Not Valid without Receipt No					
Business Name:	Address: 5050 Beckley Rd.					
Was Ramada Inn - Now Howard Johnsons	City & State: Battle Creek Zip:					
Owner Name:	Address: 4333 Edgewood Rd. NE					
Sun Hospitality Inc	City & State: Cedar Rapids, IA Zip: 52499					
Zoning District:	On Premise SignOff Premise Sign					
Existing Signage: List Number of Signs & Square F Number of Signs:						
Sign Contractor: Fritz Advertising Co.	Electrical Contractor: (If Applicable) Not Needed					
Address: P.O. Box 397, 8032 Spring Arbor Rd.	Address:					
City & State: Spring Arbor, MI Zip: 49283	City & State:Zip:					
Phone #: 517-750-1990	Phone #:					
Cost of Sign (less electrical installation cost): \$1,600.00						
Portable / Temporary Administration Fee \$20.00 Zoning Approval \$10.00 Inspection Fee \$20.00 Total Fee paid	Permanent Signs					
Date Approved: Building Inspector						

APPLICATIONS MUST INCLUDE CONSTRUCTION DRAWINGS AND SITE PLAN

# of Each	Type of Sign: Fascia, Roof, Free Standing, Etc.	Type of Material	Length	Width -	# of Sides	Total Display Area FT IN	Height-Above Street FT IN
1	Free standing	Reface existing sign	18'R	11'8"	2	200sq	29'
	same sign	Reface existing sign	6'	8'	23	48sq	20'

